

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE	Case No. 08-13555 (JMP)
LEHMMAN BROTHERS HOLDINGS, INC., et. al.	Chapter 11
Debtor.	

RESISTANCE AND RESPONSE TO DEBTORS' SIXTY-FOURTH OMNIBUS
OBJECTION TO CLAIMS (NO SUPPORTING DOCUMENTATION CLAIMS)

TO THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW the creditor, Charles L. Kuykendall, by and through his attorneys, Dwyer & Wing, P.C. and for resistance and response to the objection to claim No. 5487 (No. 71 in Exhibit A to Objection on Page 8 of 15) states as follows:

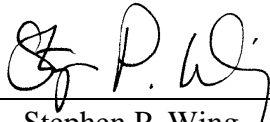
1. The claimant has twice submitted his claim in writing, although it was lost once.
2. Each time the claim was submitted, attached thereto were the account statements attached hereto, even though such exhibits are not shown in the online claim image provided by the debtor. A complete copy of the claim as submitted by Charles L. Kuykendall is attached hereto as Exhibit 1.
3. This claim is acknowledged to have been timely filed on July 16, 2009.
4. Said claim was filed *pro se* by the claimaint.
5. Exhibit A to the Objection erroneously shows the amount of the claim to be \$696,547.90, which is precisely twice the amount of the claim submitted and confirms the statement of the creditor that he submitted the claim twice as he was told it was lost, even though the bar date and hearing notice has the correct amount of the claim.
6. Attached hereto as Exhibit 2 is the affidavit of Charles L. Kuykendall, which further

explains the nature of his claim, the circumstances from which it arises and the reason he does not have additional documentation to file in substantiation of the claim at this time, but which demonstrates the validity of the claim.

7. For all of the reasons stated above, the objection to claim #5487 must be denied.

WHEREFORE the creditor, Charles L. Kuykendall, prays that the court overrule and deny the objection to claim #5487 and grant such other and additional relief as may be proper in the circumstances.

CHARLES L. KUYKENDALL

By:  _____

Stephen P. Wing
Dwyer & Wing, P.C.
1503 Brady Street
Davenport, Iowa 52803
(563) 323-3000
(563) 323-7452 facsimile
spwing@iabar.org

Certificate of Service

The undersigned certifies under penalty of perjury that he is 18 years of age or older, and that a copy of his document was served electronically on parties who receive electronic notice through CM/ECF as listed on CM/ECF's notice of electronic filing on December 3, 2010.

_____/s/_____
Stephen P. Wing
1503 Brady Street
Davenport, IA 52803
(563) 323-3000
(563) 323-7452
spwing@iabar.org

PROOF OF CLAIM

In Re:
Lehman Brothers Holdings Inc., et al.
Debtors.

Chapter 11
Case No. 08-13555 (JMP)
(Jointly Administered)

Name of Debtor Against Which Claim is Held

Case No. of Debtor

UNIQUE IDENTIFICATION NUMBER: 1000249339

Filed: USBC - Southern District of New York

Lehman Brothers Holdings Inc., Et Al.

08-13555 (JMP)

0000005487

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503. Additionally, this form should not be used to make a claim for Lehman Programs Securities (See definition on reverse side.)



Name and address of Creditor: (and name and address where notices should be sent if different from Creditor)

LBH (CREDITOR.DBF.CREDNUM)CREDNUM # 1000249339*****
KUYKENDALL, CHARLES L
6573 EAGLE RIDGE DRIVE
BETTENDORF, IA 52722

☐ Check this box to indicate that this claim amends a previously filed claim.

Court Claim
Number: _____

(If known)

Filed on: _____

Telephone number:

563-332-4704

Email Address:

LDDJKUYK@AOL.COM

Name and address where payment should be sent (if different from above)

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the debtor or trustee in this case.

Telephone number:

Email Address:

1. Amount of Claim as of Date Case Filed: \$ 348,273.95 ad 9-30-2008

If all or part of your claim is secured, complete Item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete Item 5.

If all or part of your claim qualifies as an Administrative Expense under 11 U.S.C. §503(b)(9), complete Item 6.

☐ Check this box if all or part of your claim is based on a Derivative Contract.*

☐ Check this box if all or part of your claim is based on a Guarantee.*

***IF YOUR CLAIM IS BASED ON AMOUNTS OWED PURSUANT TO EITHER A DERIVATIVE CONTRACT OR A GUARANTEE OF A DEBTOR, YOU MUST ALSO LOG ON TO <http://www.lehman-claims.com> AND FOLLOW THE DIRECTIONS TO COMPLETE THE APPLICABLE QUESTIONNAIRE AND UPLOAD SUPPORTING DOCUMENTATION OR YOUR CLAIM WILL BE DISALLOWED.**

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or additional charges. Attach itemized statement of interest or charges to this form or on <http://www.lehman-claims.com> if claim is based on a Derivative Contract or Guarantee.

2. Basis for Claim: Reformed Compensation Plan as Employee.
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: 1644

3a. Debtor may have scheduled account as: _____
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other

Describe: _____

Value of Property: \$ _____ Annual Interest Rate _____%

Amount of arrearage and other charges as of time case filed included in secured claim, if any:

\$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ 348,273.95

6. Amount of Claim that qualifies as an Administrative Expense under 11 U.S.C. §503(b)(9): \$ _____
(See instruction #6 on reverse side.)

7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

8. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. Attach redacted copies of documents providing evidence of perfection of a security interest. (See definition of "redacted" on reverse side.) If the documents are voluminous, attach a summary.

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:

7-13-2009

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Charles L. Kuykendall

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim:

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Wages, salaries or commissions (up to \$10,950), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).

☒ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

☐ Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).

☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(_____).

Amount entitled to priority:

\$ 348,273.95

FOR COURT USE ONLY

FILED / RECEIVED

JUL 16 2009

EPIQ BANKRUPTCY SOLUTIONS, LLC

Citigroup Global Markets Inc. and Lehman Brothers Inc. Consolidated Statement
Hutton Partnership Award Plan (HPAP)
Quarter Ending 09/30/2008

Employee Name: CHARLES L KUYKENDALL
P & L / Section: 00238100
4300 East 53rd Street, Ste. 300
Davenport, IA 528073090

Soc Sec No: 1544
Home Address: 6573 Eagle Ridge Drive
Bettendorf, Iowa, IA 52722-6266

LEHMAN BROTHERS INC.					CITIGROUP GLOBAL MARKETS INC.							
Plan Year	Frozen Principal	Frozen Interest	Total payments to Date	Frozen Balance	Interest through 12/31/2007	Interest through Prior Quarters)	Current Quarter's Interest	Total Payments to Date	Balance to Date	Consolidated Plan Balance	Payment Date	Payment Method*
1987 B1	42,312.69	18,778.29	0.00	\$61,090.98	43,540.82	999.87	423.06	0.00	\$44,963.75	\$106,054.73		R-LS
1987 B2	17,790.99	7,535.20	0.00	\$25,326.19	18,050.53	414.52	175.39	0.00	\$18,540.44	\$43,966.93		R-LS
1987 B3	21,882.87	8,838.89	0.00	\$30,721.76	21,896.06	502.82	212.75	0.00	\$22,511.63	\$53,338.89		R-LS
1987 B4	9,079.96	3,464.94	0.00	\$12,544.90	8,941.04	205.32	86.88	0.00	\$9,233.24	\$24,781.14		R-LS
Totals	\$91,066.51	\$38,617.32	\$0.00	\$129,683.83	\$92,428.45	\$2,122.53	\$898.08	\$0.00	\$95,448.08	\$225,132.69		

5 This balance

129,683.83
218,590.12
348,273.95

Interest is calculated using the 30 Day Treasury Bill rate, compounded quarterly.

Current quarter's interest rates:

July	0.001376
August	0.001287
September	0.001342

Note: Plan balances will be reduced by the amount of payments made by Lehman Brothers Inc. and Citigroup Global Markets Inc. and are subject to the terms of the Plan. Payments are based on Participant elections previously filed with the Deferred Compensation Department. Balances held at Lehman Brothers Inc. will be distributed by Lehman Brothers Inc. by a separate check and payments will be reportable on a Lehman Brothers Inc. W-2 statement.

Please contact George Modeste in the Deferred Compensation Department at (212) 783-3100 if you have any questions regarding this statement.

*Payment Method
LS lump sum
R retirement
2-10 number of installments remaining

Citigroup Global Markets Inc. and Lehman Brothers Inc. Consolidated Statement
 Voluntary Deferred Compensation Plan (VDCP)
 Quarter Ending 09/30/2008

Employee Name: CHARLES L KUYKENDALL
 P & L / Section: 00238100
 4300 East 53rd Street, Ste. 300
 Davenport, IA 528073090
 Soc Sec No: 1644
 Home Address: 6573 Eagle Ridge Drive
 Bettendorf, Iowa, IA 52722-6266

LEHMAN BROTHERS INC.					CITIGROUP GLOBAL MARKETS INC.								
Plan Year	Frozen Principal	Frozen Interest	Total payments to Date	Frozen Balance	Principal	Interest through 12/31/2007	Interest through Prior Quarter(s)	Current Quarter's Interest	Total Payments to Date	Balance to Date	Consolidated Plan Balance	Payment Date	Payment Method*
1989	34,764.27	7,936.63	0.00	\$42,702.90	0.00	29,816.39	691.47	290.44	0.00	\$30,798.39	\$73,501.20		R-LS
1990	35,120.76	5,096.89	0.00	\$40,217.65	0.00	28,081.06	651.23	273.54	0.00	\$39,005.83	\$69,223.48		R-LS
1991	49,948.68	3,597.28	0.00	\$53,545.96	0.00	37,387.33	867.05	364.18	0.00	\$38,618.58	\$92,164.52		R-LS
1992	50,948.99	1,656.94	0.00	\$52,605.93	0.00	36,730.98	851.83	357.80	0.00	\$37,940.61	\$90,549.54		R-LS
1993	29,517.68	0.00	0.00	\$29,517.68	19,993.75	34,907.79	804.93	338.11	0.00	\$56,044.58	\$85,562.26		R-LS
Totals	\$200,300.38	\$18,289.74	\$0.00	\$218,590.12	\$19,993.75	\$166,923.55	\$3,866.51	\$1,624.07	\$0.00	\$182,407.88	\$410,898.00		

LS This balance

Interest is calculated using the 30 Day Treasury Bill rate, compounded quarterly.
 Current quarter's interest rates:
 July 0.001376
 August 0.001267
 September 0.001342

*Payment Method
 LS lump sum
 R retirement
 2-10 number of installments remaining

Note: Plan balances will be reduced by the amount of payments made by Lehman Brothers Inc. and Citigroup Global Markets Inc. and are subject to the terms of the Plan. Payments are based on Participant elections previously filed with the Deferred Compensation Department. Balances held at Lehman Brothers Inc. will be distributed by Lehman Brothers Inc. by a separate check and payments will be reportable on a Lehman Brothers Inc. W-2 statement.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE	Case No. 08-13555 (JMP)
LEHMMAN BROTHERS HOLDINGS, INC., et. al.	Chapter 11
Debtor.	

AFFIDAVIT IN SUPPORT OF
RESISTANCE AND RESPONSE TO DEBTORS' SIXTY-FOURTH OMNIBUS
OBJECTION TO CLAIMS (NO SUPPORTING DOCUMENTATION CLAIMS)

STATE OF IOWA)
) SS.
COUNTY OF SCOTT)

I, Charles L. Kuykendall, being first on oath duly sworn depose and state as follows:

1. I am the claimant in claim No. 5487 (No. 71 in Exhibit A to Objection on Page 8 of 15).
2. That I twice submitted my claim in writing, because when I made contact with the claims agent after sending it the first time I was told it was lost.
3. Each time the claim was submitted, attached thereto were the account statements attached to the copy of the claim being submitted with my response to the objection to my claim as Exhibit 1.
4. The claim was timely filed on July 16, 2009.
5. I filed my claim myself, without the assistance of counsel.
6. I was an employee at E. F. Hutton and during 1988-1989 entered into a deferred compensation agreement with my employer.
7. My employer changed names, merged and underwent various other changes, and was eventually sold as Smith Barney to Citigroup.

8. When Citigroup became my employer not all of the deferred compensation account was transferred to them, but Citigroup became responsible for earnings on the account.

9. Since this change I have received statements from Citigroup similar to those attached to the claim which show the portion of the deferred compensation which was still with Lehman Brothers Inc. and the portion held by Citigroup.

10. One page of the statement deals with 1987 and shows the amounts of frozen principal and frozen interest in my account with a total of \$129,683.83 as of the 9/30/2008 date shown on the statements.

11. The second page deals with 1989 through 1993 and shows the amounts of frozen principal and frozen interest in my account with a total of \$218,590.12 as of the 9/30/2008 date shown on the statements.

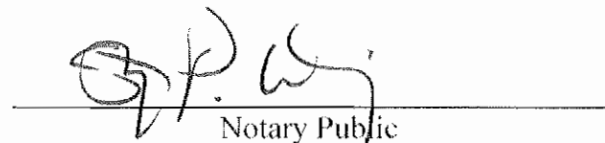
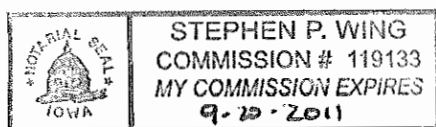
12. I no longer have copies of the deferred compensation agreement documents but have requested that Citigroup provide me with documents pertaining to this deferred compensation account and any applicable terms and conditions which may have applied to the portion that continued to be held by Lehman Brothers following the acquisition of Smith Barney by Citigroup.

13. I therefore request that the objection to my claim, claim #5487 be denied.



Charles L. Kuykendall
6573 Eagle Ridge Drive
Bettendorf, Iowa 52722
563-332-4704
lddjkuyk@aol.com

Subscribed and sworn to before me by the said Charles L. Kuykendall this 1ST day of December, 2010.


Notary Public